

# INSTRUCTION FOR USE VARIANCE

The Town of Geddes Zoning Board of Appeals (ZBA) meets the second Wednesday of each month at 7:00 o'clock PM in the main meeting room at the Geddes Town Hall 1000 Woods Rd. Solvay, NY. All applications and exhibits are to be completed and returned to The Code Enforcement Office no later than **three (3) weeks** prior to the Board meeting date.

**Ten (10) copies** – completed application and exhibits are required.

**Application Fee - \$250.00**

**Legal & Engineering Deposit - \$ 250.00**

**(2 separate checks)**

Language for Ch 95 – The Comptroller may cause applicant to deposit additional sums as Comptroller deems reasonable.

The Use Variance application needs the approval of the Town Board, in order for the application to be processed.

All applications must be completed in context before the ZBA will schedule a hearing.

All applicants or their authorized agent must appear at the scheduled public hearings. Failure to do so may result in a delays or denials.

## SUBMIT THE COMPLETED APPLICATION ALONG WITH THE FOLLOWING EXHIBITS:

- A SITE PLAN OR SURVEY OF THE PROPERTY, SHOWING ALL EXISTING AND PROPOSED STRUCTURES ON WHICH THE USE VARIANCE IS INVOLVED. THE PLAN MUST DEPICT ALL AREAS DEVOTED TO PARKING, LANDSCAPING AND ITS RELATIONSHIPS TO TRAFFIC WAYS.
- A LETTER OF INTENT INDICATING THE EXACT USE , ALL HOURS OF OPERATION , NUMBER OF EMPLOYEES AND OTHER INFORMATION THAT MAY ASSOCIATED WITH THE PROPERTY
- A LETTER FROM OWNER OF THE PROPERTY (IF NOT THE APPLICANT) APPROVING OF SAID APPLICATION.
- AN ENVIRONMENTAL (SEQRA) FORM (**FRONT SIDE ONLY**)
- ESTIMATE OF NUMBER OF CLIENTS AND LOCATION AT PEAK USE TIME.
- SIGNAGE INFORMATION, INCLUDING SIZE, LOCATION, TYPE AND LIGHTING MUST BE IDENTIFIED.
- APPLICANT WILL BE ASKED TO ADDRESS THE ‘STANDARDS OF PROOF’.

The Zoning Board of Appeals may, at its own discretion, send the application to the Town of Geddes Planning Board, or the City/County Planning agency for their review and recommendation.

**APPLICATION FOR USE VARIANCE**

Appeal Number # \_\_\_\_\_

Date Received \_\_\_\_/\_\_\_\_/\_\_\_\_

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Applicant Name \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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Project Location \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Zoning District of Parcel \_\_\_\_\_

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Name of Property Owner \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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The applicant requests a use variance to

Chapter \_\_\_\_\_ Section \_\_\_\_\_ Paragraph (s) \_\_\_\_\_

of the Town of Geddes Zoning Ordinance.

Project Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The applicant cannot realize a reasonable return because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The alleged hardship related to the property is unique because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The request will not alter the essential character of the neighborhood: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The alleged hardship has not been self-created: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has there been a previous appeal? Yes \_\_\_\_ No \_\_\_\_

Are there any deed restrictions that do not allow the use variance that you are requesting?  
Yes \_\_\_\_ No \_\_\_\_

Applicants Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

## Use Variances

[1] The board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of these regulations, shall have the power to grant use variances, as defined herein.

[2] No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

### STANDARDS OF PROOF

- [a] The applicant cannot realize a reasonable return , provided that lack of return is substantial as demonstrated by competent financial evidence.
- [b] That the alleged hardship relating to the property in question is unique , and does not apply to a substantial portion of the district or neighborhood.
- [c] That the requested use variance, if granted, will not alter the essential character of the neighborhood.
- [d] That the alleged hardship has not been self – created.

[3] The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant , and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.